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mannitol and by weight on a dry basis 25% to 35% of a fraction of hydrogenated dextrans;

39 56. A boiled sugar composition according to claim 48, wherein the of pyrodextrans presents a molecular weight in the range of 4000 to 5000 daltons.--

REMARKS

New claims 48 to 56 have been drafted in order to eliminate any new matter.

New claim 48, which corresponds to claim 39, has been amended to specify that the pyrodextrans presents a molecular weight in the range of 1000 to 8000 daltons.

Support for said amendment can be found at page 9 line 13 of the specification as initially filed.

Claims 56 depends on claim 48 and specifies that the the pyrodextrans presents a molecular weight in the range of 4000 to 5000 daltons.

New claims 48, 52 and 53 correspond, respectively to former claims 39, 43 and 44, in which "not very" before "soluble compound" has been deleted.

Claims 49-51 and 54-55, correspond respectively to former claims 40, 47, 42, 45 and 46 which have been renumbered.

Claims 39-40, 42-47 are rejected under 35USC§103 as being unpatentable over Yotka et al. (US 5,458,892) or Meyers et al. (US 5,236,719).

7 also → *15* The Applicants first underline that both documents relate in fact on the same invention since Meyers is a continuation of Yotka.

Both documents relate to the chewing-gum technology, even if they mention the possibility to prepare hard candy.

Chewing-gums are very specific products which comprise a solid phase and a liquid phase.

Since they contain these two phases, they can comprise simultaneously:

- products presenting a high solubility such as sorbitol and maltitol in the liquid phase and
- products presenting a low solubility such as mannitol and lactitol.

{ The chewing-gums according to Yotka (or Meyers) contain a specific filler Fibersol G, which is an indigestible and acariogenic pyrodextrin.

The problem to be solved by the Applicants was to provide for a new sugar boiled composition suitable for a direct and simple process for the manufacture of plain boiled sugars which, as indicated in page 8 lines 16 to 23 of the specification :

do not become sticky,

do not grain or turn opaque and white in surface,

do not become misshapen at normal summer temperatures in temperate climates.

Such a boiled sugar composition must allow the formation of a micro-crystallised layer on the surface of the boiled sugar. Such a layer limits the transfer of water from the atmosphere to the boiled sugar, as it is indicated in page 9 line 23-25 and thus the boiled sugar are stabilized against humidity.

whereas (p. 20) chewing gum is described
Such a problem of controlled crystallization is completely absent of the chewing-gum technical field and the solution to said problem can thus not be deduced from Yotka (or Meyers).

The solution found by the Applicant is to associate:

- a sugar or a polyol having a water solubility lower than 60g/l and selected among a very small number of compounds,
- to a specific anti-crystallising agent selected among pyrodextrins having a molecular weight ranging between 1000 and 8000 daltons.

in Yotka
It is true that examples 190 to 192 describe hard candy containing polyols and pyrodextrins.

(cor. 60g/l) (and 100g/l) further mention of the higher soluble polyols - see 190-192
However, the polyols which are used in said candies are highly soluble polyols and thus do not raise crystallization problem.

On the contrary, the use of polyols presenting a solubility of less than 60g/l in boiled candy would never allow the manufacture of satisfactory boiled candies. In fact boiled sugar based on such polyols presenting a low

solubility will crystallize in depth, will be opaque and white in surface.

*done in
consultation
with
Ed Com* Nothing in Yotka (or Meyers) suggests that the addition of pyrodextrin to polyols presenting a low solubility will modify the crystallization behavior and thus allow the manufacture of boiled sugar.

Claim 48 is thus inventive in view of Yotka or Meyers.

Claims 49 to 56 are also inventive since they depend on claim 48.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted,

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